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“The Political Platform of the Latvian People’s Council” of 17 November 1918 as the Founder of the Gender Equality Tradition in Latvia Within the Discourse of European Ideas on Gender Equality

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The paper focuses on gender equality tradition in Latvia within the discourse of European ideas on gender equality, researching the avenues whereby the political forces decided to give women a political rights at the time of establishing the Republic of Latvia. The analysis leads to a conclusion that the Republic of Latvia joined the group of countries – trailblazers, which at the end of World War I, in establishing, transforming or restoring their statehood, founded a state with a democratic structure and legally enshrined civil society, recognising women as its members with full political rights. The author also challenges a thesis that the society, even after women have been granted full political rights by law, is not in a hurry to change gender statuses and the model of the family.

Keywords: the gender equality, women’s rights, political rights, marriage law, family law.

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Introduction

Over the past 50 years, extensive studies of the history of gender equality have been conducted in Europe; however, in Latvia this issue remains almost unresearched.¹

This might be due to the fact that significant problems in gender equality issues are not encountered in Latvia, since the Soviet law, which was in force in the territory of Latvia from 1940 until very 1990², envisaged gender equality both in political rights and civil law, and it was implemented with a strong hand.³ The former 'socialist countries' experienced gender quotas in various state and private structures, which are currently discussed by the 'old' European states, already during the years of the Soviet state. This article explores the foundations of gender equality that were laid in establishing the Republic of Latvia in 1918, examining this theme in comparative discourse of the gender equality genesis throughout Europe.

The statuses of genders and the institution of the family are the foundations of every society, and, being fundamental values, remain very conservative and persistent in their unchangeability. And yet, the 20th century turned into the time when gender equality was legalised, followed by deep changes in the life of society.⁴ Therefore, it is important to identify the causes of this process in 'Europe, the continent of nations'.

Until the 20th century, the traditional legal culture of European nations was basically founded upon the Christian faith and local customs, wherein gender inequality and patriarchal family were reinforced in different variations, with the husband as 'the head of the family' and the wife being legally capable, but having a restricted legal competence to act. However, these restrictions or limits on a woman's competence to act differed not only in different states and for different nations, but sometimes also among people belonging to the same nation, but to different classes. The understanding of differential legal competence to act depending on gender traditionally was rooted in the division of labour between genders and the ideas regarding mental and physiological capacities pertaining to each gender. An illustration thereof is an excerpt from a law applied in the territory of Latvia provided below.

1. Legal Status of Women in the Russian Empire

In the 19th century and at the beginning of the 20th century, uniform civil law did not exist on the territory of the Republic of Latvia, which belonged to the Russian Empire, and the particularism of law was not abolished immediately after establishment of Latvian State in 1918. In Latgale, the eastern part of Latvia, Book 1 of Volume X of the Collection of Law of the Russian Empire (*Svod zakonov Rossijskoj imperii*, 1832, hereinafter – CLRE) was in force, while in Vidzeme and Kurzeme – Part III of the Collection of Local Laws of the Baltic Provinces

¹ There are few studies on women rights, but they have not been published by legal scientists, but by historians, for example, doctoral thesis from *Stikāne, V.* Sieviete Livonijas sabiedrībā viduslaikos un jauno laiku sākumā 13.–16. gs. [Woman in Livonian Society in the Middle Ages and Early Modern Times 13–16 Century]. Riga: University of Latvia, 2012.

² Except the period of German occupation – 1941–1944.

³ *König, R.* Familiensoziologie. Berlin, Heidelberg: Springer-Verlag, 2013, pp. 140–141.

⁴ For example, *Aralovec, N.* Gorodskaja semja v Rossiji, 1927–1959 gg. [The urban family in Russia, 1927–1959]. Tula: Grif i K, 2009, pp. 154–155.

(hereinafter – Bunge’s Collection).⁵ The differences in law were not only territorial; they also extended to representatives of different classes, religions and ethnicities residing on the same territory. The diversity in marriage law was influenced by the fact that in the Russian Empire, similarly to the majority of European states of that time, the conclusion of a marriage and a divorce remained in the competence of the church instead of the state. Latvians and Baltic Germans predominantly belonged to Catholic and Lutheran denominations, a smaller part of Latvians and Russians were Orthodox.

The civil law, referred to above, that society abided by, was intended for a religious, patriarchal, class society.⁶ Pursuant to Bunge’s Collection, the compilation of legal norms by Friedrich Georg von Bunge (1802–1897), in compliance with the perceptions held by the German historical school of law on the nature of law, which society adhered to at the time of drafting the law (the mid-19th century),⁷ a husband was the advisor and guardian of a wife (8.5.), whom the wife was not allowed to leave without his permission (8.2, 8.3). The husband had the right to determine the family’s place of residence, and he managed his wife’s property and publicly defended her rights, *inter alia*, in court (8.5).⁸ The only restriction upon a husband’s power over his wife was the requirement to the husband to exercise his right over the wife ‘in good faith’. In Latvia the rights and obligations of spouses were regulated by article 100–118 of Chapter 4, Book I, Volume X of CLRE, which also consolidated the husband’s power; however, here the wife had a broader legal competence to act, i.e., a married woman without her husband’s permission was not allowed to assume only the commitments of a promissory note or to conclude an agreement of personal servitude, yet, the wife had the right to assume other commitments.⁹ Moreover, the limits of a woman’s legal competence to act were influenced by the property relationships between the spouses and the right to handle her own property. The understanding of the basis of spouse’s property relationships significantly differed among representatives of different classes; for example, the presumption of spouses’ joint ownership of property was in force in the cities of Vidzeme, whereas “the laws that are in force establish partially different joint ownership of property – pure Roman *condominium* – for the rural non-aristocratic clergy of Vidzeme”, but according to Vidzeme peasant laws, special joint ownership of property has been established, which only outwardly unites property in one totality, transferring under the management of the husband... This type of joint ownership remains in force only during the marriage, and

⁵ *Vēbers, J.* Ģimenes tiesības Latvijā. No neatkarīgas Latvijas valsts nodibināšanas 1918. gadā līdz neatkarības atjaunošanai 1991. gadā [Family law in Latvia. From the creation of an independent Latvian state in 1918 to the restoration of independence in 1991]. In: Latvijas Republikas Civillikuma komentāri. Ģimenes tiesības. Rīga: Mans Īpašums, 2000, p. 112.

⁶ *Svod grazhdanskikh uzakonenij gubernij Pribaltijskikh (Chastj III Svoda mestnih uzakonenij gubernij Ostzejskikh)* [The Code of Civil Laws of the Baltic Provinces (Part III of the Code of Local Laws of the Ostsee provinces)]. Petrograd: Pravo, 1915, pp. 17–18.

⁷ *Jarvelaids, P.* Baltijas civiltiesību “tēvs” Frīdrihs Georgs fon Bunge [Baltic Civil Law “father” Friedrich Georg von Bunge]. *Jurista Vārds*, No. 44/45(846/847), 2014. Available: <http://www.juristavards.lv/doc/199956-baltijas-civiltiesibu-tevs-fridrihs-georgs-fon-bunge/> [last viewed 21.02.2019].

⁸ *Svod grazhdanskikh uzakonenij gubernij Pribaltijskikh (Chastj III Svoda mestnih uzakonenij gubernij Ostzejskikh)* [The Code of Civil Laws of the Baltic Provinces (Part III of the Code of Local Laws of the Ostsee provinces)]. Petrograd: Pravo, 1915, p. 18.

⁹ *Eljaševs, D.* Sievietes zvērīnātā advokatūrā [Women as attorneys]. *Tieslietu Ministrijas Vēstnesis*, No. 3, 1933, p. 52.

following the death of one of the spouses' splits into its elements... In the rural and urban law of Kurzeme, even though spouses' separate ownership of property is recognised, similarly as in the case of joint property, it is under the husband's unaccountable management and use ... In Latgale, in accordance with the customary law, completely separated ownership of spouses' property existed.¹⁰

Thus, obviously, in the territory of future Latvia, different legal variations with regard to the totality of a husband's power of the wife and her property could be discerned; however, one thing is clear – in all these traditions the woman is unequal and subjected to the husband's power and guardianship.

2. Development of Gender Equality Idea

It is important to identify, how the traditions of gender inequality, embedded for centuries, if not for millennia and supported by the church, was broken. The school of natural law began creating the ideological foundations for the human equality, defending the value, liberty and equality of every human being, the values that starting with the end of the 18th century, have been laid as the foundation of human rights.¹¹ The first political achievements in implementing the ideas of the school of natural law brought full-fledged equality of all men in the USA¹² and France.¹³ However, at the same time the voices of first activists taking the stance for women's rights resounded. During the time of the French Revolution Olympe de Gouges (1748–1793) published the draft "Declaration of the Rights of Woman and the Female Citizen", which provided that a woman had also been born free and in her rights was equal to a man.¹⁴ However, the National Convention rejected the submitted draft in 1791. The public opinion and even the most enlightened minds were not yet ready to profoundly re-examine the foundations of the society's structure.¹⁵

The demand for gender equality was expressed loudly and aggressively a couple of generations later, in the second half of the 19th century, but especially so at the beginning of the 20th century, with the growing popularity among the masses of the new legal-philosophical position – Marxism. Karl Marx (1818–1883) clearly expounded his opinions already in "The Communist Manifesto", published in 1848; however, these political ideas gained broader political response only after his death, in particular, in the 20th century.¹⁶ Marxists stood for actual equality in society, including gender equality. Marxists demand emancipation of women. They considered divorce, in turn, as a woman exiting the power of her husband, a

¹⁰ Bukovskis, V. Jaunā civiltkodeksa izstrādāšanas darbība [The Development of the new Civil Code]. *Tieslietu Ministrijas Vēstnesis*, No. 1, 1921, pp. 32-40.

¹¹ Horn, N. Einführung in die Rechtswissenschaft und Rechtsphilosophie. 4. Auflage. Heidelberg: C. F. Müller, 2007, S. 99.

¹² Armitage, D. The Declaration of Independence: A Global History. Harvard: Harvard University Press, 2009, pp. 166-167.

¹³ Schlosser, H. Grundzüge der Neueren Privatrechtsgeschichte. Rechtswentwicklung im europäischen kontext. 10. Auflage. Heidelberg: C. F. Müller, 2005, S. 129.

¹⁴ Gouges, O. de. The Declaration of the Rights of Women (September 1791). Available: <https://chnm.gmu.edu/revolution/d/293/> [last viewed 21.02.2019].

¹⁵ Mousset, S. Women's Rights and the French Revolution: A Biography of Olympe De Gouges. New Brunswick, London: Transaction Publishers, 2007, pp. 46–50.

¹⁶ Horn, H. Einführung in die Rechtswissenschaft und Rechtsphilosophie. 4. Auflage. Heidelberg: C. F. Müller, 2007, p. 210.

pre-requisite of woman's emancipation.¹⁷ In "Manifesto of the Communist Party" by Karl Marx and Friedrich Engels (1820–1895) marriage was clearly labelled as an institution that allows a man – the husband – to exploit a woman – the wife. "Manifesto of the Communist Party" explains:

On what foundation is the present family, the bourgeois family, based? On capital, on private gain ...The bourgeois sees in his wife a mere instrument of production. He hears that the instruments of production are to be exploited in common, and, naturally, can come to no other conclusion than that the lot of being common to all will likewise fall to the women. He has not even a suspicion that the real point is to do away with the status of women as mere instruments of production.¹⁸

Moreover, Friedrich Engels initially believed in 'a utopia': that in the communistic society of equals not only the state and the law, but also the marriage and the family would disappear in the course of time. Later Marxist classics reviewed this idea, noting that only the nature of marriage would undergo significant change. It would become a union of two free, equal persons, based upon love and mutual respect.¹⁹ Today we can consider whether this dream has become true in the model of contemporary family. At least legally, all pre-requisites have been created in the law of European states for it to be so.

At the turn of the 19th and 20th centuries, socialists became a notable political power in Europe, including the Russian Empire. These predominantly were *intelligentsia*, who spoke in a language that was understandable to working people and called for the abolition of historical injustice, namely, that one part of society owned everything, but the other – nothing. Socialist ideas were also very popular among Latvians, the majority of which for centuries had been serfs of Baltic German landlords and only after abolishment of serfdom in the course of the 19th century acquired their personal freedom and the rights to settle in cities.²⁰

One of the first socialists' demands in promoting women's equal rights was the demand to grant women full political rights, the second demand for emancipation of women – to grant women the right to demand divorce.²¹ In the majority of European countries, also in the Russian Empire, divorce was an extraordinary measure, since even at the beginning of the 20th century in our state 0.029 marriages per 1000 people were divorced annually.²² In Russia, both liberals, who defended a person's right to freedom and self-determination, and socialists, who considered that the existing law discriminated against woman and made her a property of her

¹⁷ Dekret o rastorzheniji braka ot 16(29) dekabrja 1917 goda [Decree on divorce, December 16(29), 1917]. In: Dekreti Sovetskoj vlastji. Moskva: Directmedia, 2016, pp. 237–238.

¹⁸ Marx, K., Engels, Fr. Das Manifest der Kommunistische Partei. Zittau: Berndt Müller Verlag, 2009, S. 45.

¹⁹ Dekret o rastorzheniji braka ot 16(29) dekabrja 1917 goda [Decree on divorce, December 16(29), 1917]. In: Dekreti Sovetskoj vlastji. Moskva: Directmedia, 2016.

²⁰ Lazdiņš, J. Baltijas zemnieku privāttiesības (XIX gs.) [Civil law of the Baltic peasants (XIX century)]. Rīga: Biznesa augstskola "Turība", 2000, pp. 68–69.

²¹ For example: *Aspazija*. Runa Satversmes sapulces 10. decembra sēdē [Speech at the meeting on December 10 of the Constitutional Assembly]. *Sociāldemokrāts*, No. 285, 1920, p. 1.

²² Mironov, B. Socialnaja istorija Rossiji perioda imperiji (XVIII – nachalo XX vv.): genezis lichnosti, demokraticeskoi semji, grazhdanskogo obshchestva i pravovogo gosudarstva [The social history of Russia during the empire (XVIII – early XX centuries): the genesis of the individual, the democratic family, civil society and the rule of law]. Sankt-Peterburg: izdatelstvo Dm. Bulanin, 1999, Vol. 1, p. 176.

husband and an object of exploitation, had unsuccessfully advocated liberalisation of divorce since the end of the 19th century.²³

Unequivocally, political gender equality was introduced in Europe to a large extent thanks to the popularity of socialists among masses and their active political fight for women's voting rights. Socialist ideals were expressed by various political forces, among which social democrats and communists were the most striking.²⁴

Finland was the first European state to grant women general voting rights in 1906. At this time, Finland was a province of the Russian Empire with limited autonomy.²⁵ On the other hand, conservative Lichtenstein was the last among European states to grant the voting right to women – only in 1984.²⁶ A certain legal paradox developed, since in many European countries women had been granted full political rights already at the beginning of the 20th century, while the restrictions upon full civil rights, especially in family law were retained. Moreover, a trend could be observed that when new states were established, political forces were more open to change, including reviewing the social status of genders, compared to old and stable states. After establishment of the new state and stabilisation of situation the society, at least partially, returned to the old values and traditional understanding of gender statuses, especially within the family, as shown by the example of the Republic of Latvia.

3. Establishment of Gender Equality in Political Rights in the Republic of Latvia

The Republic of Latvia joined the group of countries – trailblazers, which, at the end of World War I through establishing, transforming or restoring their statehood founded a state with a democratic structure and legally enshrined civil society, recognising women as its members with full political rights. At the time when the Republic of Latvia was established, social democrats were an important political force, they represented both at the People's Council and later – at the Constitutional Assembly. Four representatives of the Latvian Social Democratic Workers' Party (LSDPS) and three representatives of the Latvian Revolutionary Socialists' Party participated in the founding sitting of the People's Council.²⁷

Socialists together with liberals laid the legal foundations for political equality of genders in establishing the Republic of Latvia. The "Political Platform of Latvian People's Council", adopted on 17 November 1918, envisaged: "The members of the

²³ *Mironov, B.* Socialnaja istorija Rossiji perioda imperiji (XVIII – nachalo XX vv.): genezis lichnosti, demokraticeskoi semji, grazhdanskogo obschestva i pravovogo gosudarstva [The social history of Russia during the empire (XVIII – early XX centuries): the genesis of the individual, the democratic family, civil society and the rule of law]. Sankt-Peterburg: izdatelstvo Dm. Bulanin, 1999, Vol. 1, p. 176.

²⁴ *Fischer, I.* Zur Problematik der Erfassung von Aktengut zu Gender- und Frauengeschichte im Archiv der sozialen Demokratie. Available: http://www.fes.de/archiv/adsd_neu/inhalt/recherche/frauenbestand/text.htm [last viewed 26.02.2019].

²⁵ *Korppi, A.* A Long Tradition of Equality: Women's Suffrage in Finland. In: *The Struggle for Female Suffrage in Europe: Voting to Become Citizens*. B. *Rodriguez-Ruiz, R. Rubio-Marin* (eds.). Leiden-Boston: Brill, 2012, pp. 47-60.

²⁶ *Rommelanger, U.* Das konsultative Referendum. Berlin: Duncker & Humboldt, 1988, S. 30.

²⁷ *Blūzma, V.* Latvijas Republikas valsts dibināšana un nacionālās tiesību sistēmas veidošana (1918-1922) [Foundation of the Republic of Latvia and the creation of the National Legal System (1918-1922)]. In: *Latvijas tiesību vēsture (1914-2000)*. A. *Lēbers* (ed.). Rīga: fonds "Latvijas Vēsture", 2000, p. 151.

Constitutional Assembly shall be elected, with the participation of both genders, on the basis of general, equal, direct, secret and proportional voting rights.”²⁸

This political decision, which currently in the Latvian legal doctrine is viewed as a fundamental legal norm of this state, broke the tradition of gender inequality and instituted the foundations for new gender statuses in society. Women immediately exercised their full rights, and the first female politicians were active already in the People’s Council,²⁹ for example, Klāra Kalniņa (1874–1964) from LSDSP.³⁰

“The Law on Electing the Constitutional Assembly of Latvia”, adopted in 19 August 1919, consolidated the principle referred to above, envisaging that the Constitutional Assembly was to be elected in general, equal, direct, secret and proportional elections (Article 1), with the participation of Latvian citizens of both genders, who had reached the age of 21 and were residing in Latvia.³¹ Such electoral qualifications (equality, relinquishing the privileges of classes and property-based qualification, gender equality) were a ‘fashionable trend’ in the European state law at the beginning of the 20th century.

Latvian women actively exercised their active and passive election rights and participated in the shaping of the new state. Out of 164 members elected to the Constitutional Assembly or the constitutional legislator six were women:³² Valērija Seile (Latgale Farmer’s Party, born in 1891, a Latvian, higher education, inspector at Rēzekne primary school)³³, Aspazija-Pliekšāne Elza (Latvian Social Democratic Workers’ Party, hereinafter – LSDSP, born in 1865, a Latvian, secondary school education, a poet),³⁴ Berta Vesmane (LSDSP, born in 1878, a Latvian, completed commerce courses in Petersburg),³⁵ Klāra Kalniņa (LSDSP, a Latvian, higher education, a dentist),³⁶ Zelma Cēsniēce-Freidenfelde (Non-party group, born in 1892, a Latvian, higher education, a doctor)³⁷ and Apolonija Laurinoviča (Latgale Farmers’ Party, born in 1886, a Latvian, secondary school education, a student).³⁸ In general, the ladies at the Constitutional Assembly were better educated than their colleagues – the average gentlemen, as a half of them had higher education. Poet Aspazija was the oldest, with the greatest experience in public life, as well as

²⁸ 1918. gada 17. novembra “Latvijas Tautas Padomes politiskā platforma” [“Political Platform of the Latvian National Council” of November 17, 1918]. In: Latvijas Tautas Padomes sēdes. Vol. 1. Rīga: Satversmes Sapulce, 1920, pp. 6–7.

²⁹ In the People’s Council mandates were not linked to concrete persons. Each party had a concrete number of seats in the Council, which were filled by persons authorised by the party, and they changed frequently. There were 183 seats in the People’s Council; however, accurate total number of members is not known, two numbers are mentioned – 245 and 297. Regretfully, no research has been conducted to identify all women, who were active in the People’s Council.

³⁰ Deputātu personu rādītājs [List of Deputies]. In: Latvijas Satversmes sapulces stenogrammu rādītājs. H. Kārklīšs (ed.). Rīga: Latvijas Republikas Saeima, 1925, p. 75.

³¹ 1919. gada 19. augusta Latvijas Tautas Padomes “Latvijas Satversmes sapulces vēlēšanu likums” [The law on elections to the Constitutional Assembly of Latvia of August 19, 1919]. In: Latvijas Pagaidu Valdības Likumu un Rikojumu krājums. Rīga: Valsts kanceleja, 1919, p. 124.

³² Latvijas Satversmes Sapulces deputātu saraksts [List of deputies of the Constitutional Assembly of Latvia]. In: Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922). Rīga: Tiesu namu aģentūra, pp. 1102–1107.

³³ Deputātu personu rādītājs [List of Deputies]. In: Latvijas Satversmes sapulces stenogrammu rādītājs. H. Kārklīšs (ed.). Rīga: Latvijas Republikas Saeima, 1925, p. 142.

³⁴ Ibid., p. 15.

³⁵ Ibid., p. 170.

³⁶ Ibid., p. 75.

³⁷ Ibid., p. 44.

³⁸ Ibid., p. 100.

the most recognisable among the ladies of the Constitutional Assembly. Only Klāra Kalniņa had a more extensive experience in politics.

The basic task of the Constitutional Assembly, was drafting the Constitution for the state, however, alongside elaboration of the fundamental law, active legislation also took place at the Constitutional Assembly, laying the legal foundations of the new state in the state law, financial law, education and cultural law, legislation on land reform, civil law, etc.³⁹ Members of the Constitutional Assembly not only elaborated the Constitution of the state, but also shaped the legal system of Latvia by adopting new laws that complied with the liberal and democratic nature of the new state. Thus, in assessing the activities of the Constitutional Assembly, its contribution in developing and adopting other laws, not only the Constitution, should be taken into account.

In discussing the draft Constitution, the spokespersons were almost only men – the members of the Assembly. The female members of the Assembly hardly participated in public discussion. Aspazija was an exception, she engaged in discussions on articles of Chapter II or the chapter of fundamental rights of the Constitution, commented on draft article 95, which provided for the freedom of movement, protection of citizens abroad, prohibited extradition and expulsion of citizens. The transcripts of the Constitutional Assembly record also a number of Aspazija's interjections from the floor.⁴⁰

4. Establishment of Gender Equality in Marriage Law in the Republic of Latvia

The female members of the Assembly were initially interested in the family law. They spoke about the draft laws under discussion as equals to their male colleagues; however, in legislation women found relevance in different topics than men. The women of the Constitutional Assembly were particularly interested in creating law in the fields of marriage, labour and education law. They, in particular, Aspazija, Valērija Seile, Zelma Cēsniēce-Freidenfelde and Klāra Kalniņa commended in the newspaper *Sieviete* ["Woman"] in 1924: "Even though the representatives of people belong to different political parties, they all unanimously advocate a liberal marriage law, which brings new moral foundations into the relationship between a husband and a wife."⁴¹

Aspazija, discussing the draft law "On Marriage", gave an extended speech at the sitting of 10 December 1920, stating that this was one of the most important laws to be adopted by the Constitutional Assembly, since by this a law "eliminating the remnants of feudalism" was to be achieved, completing the transition from

³⁹ *Blūzma, V.* Latvijas Republikas valsts dibināšana un nacionālās tiesību sistēmas veidošana (1918–1922) [Foundation of the Republic of Latvia and the creation of the National Legal System (1918–1922)]. In: *Latvijas tiesību vēsture (1914–2000). A. Lēbers* (ed.). Rīga: fonds "Latvijas Vēsture", 2000, pp. 155–212.

⁴⁰ *Aspazija.* Starpsaucieni Jāņa Purgaļa runai vispārējās debatēs par Satversmes I daļu IV sesijas 5. sēdē 1921. gada 28. septembrī [Interjection to Jānis Purgalis Speech in General Debate on Part I of the Satversme at the 4th Session of the 5th meeting on 28 September 1921]. In: *Latvijas Satversmes Sapulces stenogrammu izvilks (1920–1922)*. Rīga: Tiesu namu aģentūra, 2006, p. 130.

⁴¹ [Without author]. *Latvijas Satversmes Sapulces locekles* [Members of the Constitutional Assembly of Latvia]. *Sieviete*, No. 5, 1924, p. 126.

the church marriage to a civil marriage.⁴² “By introducing the civil marriage, we [probably, Latvian women, a note by the article’s author] today receive compensation for our sufferings ...”, “No, we should say to church and patriarchal patronising! ... Until now, marriage was based upon a man’s domination, even though in the natural state of nations, all importance in life was placed where the mother with her child was, and was respected as such ...”⁴³ Moreover, Aspazija, actively working in the legislative institution, passionately advocated the possibility of divorce on the basis of a unilateral application by one of the spouses: “Marriage for us is sacred, serious, it is not a toy for us. Only free people unite and separate freely, and only such marriage is sacred and ethical. I say this to you as a woman, and I say this to you as an educator of people.”⁴⁴ Aspazija spoke passionately, and it could not have been otherwise, at the end of the 19th century the poet herself had gone through the complicated procedure, requesting the church to divorce her marriage to her first husband.⁴⁵

The researched material allows to conclude that Latvian women wanted to acquire political equality and use it to promote civil equality, first of all, in family law, so that the wife would become an equal partner in life to the husband and were respected by him and by society. This is proven by another striking quote from Aspazija’s speech: “When a man worships a woman as a goddess, this does not also mean that he respects her as a human being.”⁴⁶

When speaking from the podium of the Constitutional Assembly, Aspazija used the concepts ‘we’ and ‘you’. The proportion in the hall was not to the advantage of ‘us’; however, the majority of ‘you’ listened and heard ‘us’. This led to the adoption of liberal law, in line with the spirit of the time, which introduced civil marriage and provided for the possibility of divorce in cases defined in law (see Chapter 5 of the law “On Marriage”).⁴⁷ The church continued to have the right to conclude a marriage, if the newly-weds wished so,⁴⁸ however, only the court had the jurisdiction over divorce.⁴⁹ However, in liberalising the rights of spouse’s vis-à-vis each other, the Constitutional Assembly did not go any further. The draft law “On Engagement, Personal and Property Relations of Married People and Inheriting Thereof”, which in the same year, 1921, was submitted by the Ministry of Justice, comprised the concept of the head of the family, granting the husband the final say

⁴² Latvijas Republikas Satversmes Sapulces 1921. gada 1. februāra “Likums par laulību” [Marriage Law, adopted by the Constitutional Assembly of the Republic of Latvia on 1 February 1921]. *Tieslietu Ministrijas Vēstnesis*, No. 1/3, 1921, pp. 65–74; Latvijas Republikas Satversmes Sapulces 1921. gada 18. februāra “Likums par civilstāvokļa aktu reģistrāciju” [The Law on Registration of Civil Status Acts, adopted by the Constitutional Assembly of the Republic of Latvia on 18 February 1921]. *Tieslietu Ministrijas Vēstnesis*, No. 1/3, 1921, pp. 75–82.

⁴³ Aspazija. Runa Satversmes sapulces 10. decembra sēdē [Speech at the meeting on December 10 of the Constitutional Assembly]. *Sociāldemokrāts*, No. 285, 1920.

⁴⁴ Kalniņš, A. Sievietes pirmās Latvijas brīvvalsts parlamentā [Women in the Parliament during the First Free State of Latvia]. *Brīvā Latvija*, No. 33, 1998, p. 4.

⁴⁵ Lipša, I., Neiburgs, U. Nezināmā Aspazija. Remdeni? Nekad! [Unknown Aspazija. Moderately? Never!]. *TVNet*, 14.03.2005. Available: <https://www.tvnet.lv/6178263/nezinama-aspazija-remdeni-nekad> [last viewed 27.02.2019].

⁴⁶ Aspazija. Runa Satversmes sapulces 10. decembra sēdē [Speech at the meeting on December 10 of the Constitutional Assembly]. *Sociāldemokrāts*, No. 285, 1920.

⁴⁷ Latvijas Republikas Satversmes Sapulces 1921. gada 1. februāra “Likums par laulību”, pp. 65–74.

⁴⁸ Article 24. The marriage ceremony makes Registry Office or any confession clerics by spouses choice.

⁴⁹ Ibid.

in common decisions of the family, for example, on the family's place of residence.⁵⁰ Social democrats harshly objected to this draft.⁵¹ The draft law was not adopted, but during the period of authoritarian Latvia the institution of the head of the family was enshrined in the Civil Law of 1937.⁵²

Were the women's voices heard at the Constitutional Assembly? Yes, they were! The female members cooperated as colleagues with men members from their 'list', engaged in discussions with the colleagues that represented different opinions. Contemporary lawyers note that women, except Aspazija, at Constitutional Assembly had been 'quiet' or 'shy'. That is not quite true, because during the debates regarding draft Constitution, indeed, only Aspazija spoke, however, when working on draft laws, both in the committees that elaborated them and during public discussions, other members of the Constitutional Assembly actively participated, speaking both from the podium and the floor: Valērija Seile, Zelma Cēsniēce-Freidenfelde and Klāra Kalniņa. The strongest politicians and most active legislators were the female members from the LSDP 'list'. And yet, women indeed were not among the most active and prominent politicians of the time, they were not promoted for 'ministerial' offices or any other responsible management position.⁵³ In reflection as to whether that was good or bad, the legal regulation and the juridical culture, which had brought up the first Latvian politicians, should be considered. It was a conventional, conservative, patriarchal society with fixed legal and ethical norms, with the husband being the advisor and the guardian of the wife.⁵⁴ The husband spoke on behalf of the wife and had the right to demand that she submits to his will.

It is important to draw attention to the patriarchal and conservative society, in which all members of the Constitutional Assembly, men and women alike, had developed as personalities, observing the model of their parents' relationships, and in which they still lived at the time when Latvia was established. This model was retained, in a slightly liberalized version, irrespectively of women having full political rights, in 1937, when finally, a new Civil Law was elaborated and the civil norms, which had been in force in the territory of Latvia during the times of Russian Empire, became invalid. The Civil Law of 1937 did consolidate the legal position of a woman (a wife), because it released the wife from the husband's guardianship or *marital power* (lat. *potestas maritalis*)⁵⁵ and provided that "both spouses have equal rights"⁵⁶, however, the wife did not become fully equal to

⁵⁰ Švarcs, F. Latvijas 1937. gada 28. janvāra Civillikums un tā rašanās vēsture [Latvian 28 January 1937 Civil Code and its drafting history]. Rīga: Tiesu namu aģentūra, 2011, p. 81.

⁵¹ Dzīlleja, K. "Ģimenes galva" ["Head of the family"]. *Sociāldemokrāts*, No. 76, 1929, p. 1.

⁵² *Ibid.*

⁵³ This totally differs from the present day, when "we – women" in many fields have replaced men, closing our ranks. I agree with highly esteemed President of the State Mr. Andris Bērziņš, that the gender balance has been distorted in favour of women. I do not know, whether to see this a victory or a loss. In discussing these issues, male lawyers have advanced the argument that women fill those places in the labour market that are not particularly prestigious. It is sad to hear this said about courts.

⁵⁴ Those ideas were in the draft law Likumprojekts par saderināšanos, laulāto ļaužu personīgām un mantiskām attiecībām un viņu mantošanu [On Engagement, Personal and Property Relations of Married People and Inheriting Thereof]. *Tieslietu Ministrijas Vēstnesis*, No. 3, 1924, pp. 101–116) and later in The Civil Law Code of 1937.

⁵⁵ *Sinaiskis, V. Civillikuma principi un ģimenes tiesības* [Principles of civil law and family law]. *Tieslietu Ministrijas Vēstnesis*, No. 1, 1938, p. 45.

⁵⁶ 1937. gada 28. janvāra Latvijas Republikas Civillikums [Civil Law of the Republic of Latvia of January 28, 1937]. Rīga: Kodifikācijas nodaļa, 1938, p. 23.

the husband. In the case of dispute regarding conjugal life, it envisaged the final say for the husband, as well as the right to choose the couple's place of residence. Essentially, the new Civil Law slightly 'softened' the right of the husband, who was previously restricted, to command the wife, by providing in article 85 "A wife shall not be subject to a husband's order, if he is using his right villainously."⁵⁷ Namely, the first sentence of article 85 guarantees equality of spouses, the last one provides that a wife must obey a husband's orders, insofar these are not villainous. Professor Vasilijš Sinaiskis wrote in 1939 that "The Civil Law has abolished the husband's power (as it was envisaged in the old law) and introduced the principle of spouse's equality, since all members in an association are equal,"⁵⁸ 'cunningly' placing the parenthesis, since 'the husband's power' was not totally abolished. Women were elected as members to the People's Council and later to the Constitutional Assembly and were active in these bodies only because European social democracy had a strong women's movement, and at the moment of establishing the state social democrats were rather popular in Latvia, and also other forces founding the state were liberal or moderate conservatives. After the state was established and society stabilised, returning to more conservative values, the situation changed, and from then until the very occupation of Latvia in 1940 no women were elected to the legislator, except Berta Pīpiņa, from the Democratic Centre, who was a member of the *Saeima* [Parliament] from 1931 to 1934.⁵⁹

All in all, it could be considered that women's involvement in legislation, when the state of Latvia was established, was a miracle, just like the fact that Latvia was established. A woman, who has been brought up in patriarchal spirit, even if she is educated and freethinking, cannot be as politically active and able to speak in public and substantiate her views as a man. Patriarchal society is a society with division of labour between the genders: home and introversion are assigned to woman, but work outside home, the world or extraversion is the realm of man. A single, adult woman without a father, without a husband, who has to manage her property or earn her living, is an exception. Such a woman traditionally has certain self-determination also in a patriarchal society.⁶⁰

Gender statuses are not only legally determined, they are determined by the public opinion and traditions. Public opinion is not easy to change, since it is, by its nature, stable and conservative, if it is allowed to develop evolutionary. However, this is not the case of the Latvian nation, since in 1940 the Soviet law was introduced, which, by using the coercive force of the state, embodied full rights of a woman and gender equality.⁶¹

⁵⁷ 1937. gada 28. janvāra Latvijas Republikas Civillikums [Civil Law of the Republic of Latvia of January 28, 1937]. Rīga: Kodifikācijas nodaļa, 1938, p. 24.

⁵⁸ Sinaiskis, V. Mūsu tiesības un pienākumi jaunajā Civillikumā [Our rights and obligations in the new Civil Law]. *Sējējs*, No. 1, 1938, p. 35.

⁵⁹ The Members of 1, 2, 3 and 4 Saeima. Available: <http://www.saeima.lv/lv/par-saeimu/likumdeveju-vesture> [last viewed 02.03.2019]; Kalniņš, A. Sievietes pirmās Latvijas brīvvalsts parlamentā [Women in the Parliament during the First Free State of Latvia]. *Brīvā Latvija*, No. 33, 1998, p. 4.

⁶⁰ Even though not in every patriarchal society, because there are also other close men: paternal uncles, sons, brothers'-in-law, who can become guardians of a single, weak woman.

⁶¹ Vēbers, J. Ģimenes tiesības [The Family law]. Rīga: Pēteris Stučka Latvijas Valsts universitātes Juridiskā un filozofijas fakultāte, 1970, p. 20.

Summary

1. Gender inequalities persisted in European countries until the 20th century; women did not have full political rights and they were restricted in their legal competence to act. The school of natural law laid the foundations for the idea of equality of all human beings, but socialists demanded emancipation of women, first of all, granting to them the right to vote and the right to submit a claim for divorce to court.
2. In Latvia, the foundations of gender equality were laid already at the time of establishing the state, providing for women's full political rights in "Political Platform of the Latvian People's Council". Women actively exercised the newly acquired right to vote and to be elected by participating in the first legislative institution – the People's Council and in the Constitutional Assembly.
3. Women's rights' activists, having acquired full political rights, fought for civil marriage and freedom to divorce, but a wife's equality in the family was the next aim. Gender equality in the Republic of Latvia marriage law was established with the law "On Marriage" of 1921; however, in the inter-war period further consolidation of gender equality did not take place here, since the society returned to conservative values and retained a model of the family 'with husband's restricted power'.
4. Society, even after women have been granted full political rights by law, is not in a hurry to change gender statuses and the model of the family. Public opinion evolves slowly. However, the state may impose new gender statuses and a model of the family, as it happened in Latvia after it was occupied by the Soviet Union. The Soviet law was the first in Europe to provide for full gender equality.

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